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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,497	11/15/2001	Terry Allen-Rouman	020375-002720US	4579
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TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHENCINSKI, SIEGFRIED E	
			ART UNIT 3692	PAPER NUMBER

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/991,497

Applicant(s)

ALLEN-ROUMAN ET AL.

Examiner

Siegfried E. Chencinski

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/25/02, 3/17/03, 6/10/03, 11/17/03, 5/23/05, 7/18/05.

## DETAILED ACTION

### *Specification*

#### 1. **ABSTRACT**

The abstract of the disclosure is objected to because of a typographical error. The word "receiver" has been misspelled. The context suggests that the word should be "received". **Correction is required.** See MPEP § 608.01(b).

### *Claim Objections*

2. **Claim 11 & 19 are objected to** because of the following informalities: The claims for a computer medium are improperly dependent on method claims.

3. **Claim 9 is objected to** because of a typographical error: in the phrase "the first transfer to determined a second amount" the word determined should be spelled "determine" for grammatical reasons.

**Appropriate correction is required.**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-22 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Rosen (US Patent 5,557,518) in view of Kolling et al. (US Patent 5,920,847, hereafter Kolling).

**Re. Claim 1**, Rosen discloses a method for transferring funds in an online transaction between a first party and a second party, the method comprising steps of:

- determining a first account associated with the first party (Fig. 2, Col. 5, ll. 38-43);
- determining a second account associated with the second party, wherein at

Art Unit: 3628

least one of the first account and the second account is a bank account (Fig. 35B);

- initiating a first transfer between the first account and a third account, wherein the third account is not associated with either the first party or the second party (Col. 3, l. 66 – Col. 4, l. 3);
- receiving notification that the first transfer has cleared (This is implicit in Rosen).

Rosen does not explicitly disclose initiating a second transfer between the third account and the second account, wherein the second-listed initiating step occurs before the receiving step. However, Kolling discloses initiating a second transfer between the third account and the second account, wherein the second-listed initiating step occurs before the receiving step (Col. 2, ll. 26-29). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 2,** Rosen does not explicitly disclose wherein the first-listed and second-listed initiating steps occur as part of the same session with the automated clearinghouse (ACH) network. However, Kolling discloses the clearance of payment transfers through the ACH network (Col. 9, ll. 23-38, 54, 64, 66). It is obvious that the first-listed and second-listed initiating steps can occur as part of the same session with the automated clearinghouse (ACH) network. Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Art Unit: 3628

**Re. Claim 3**, Rosen does not explicitly disclose wherein at least one of the first initiating step and the second initiating step comprise a step of sending transfer information to the ACH network. However, Kolling discloses the clearance of payment transfers through the ACH network (Col. 9, ll. 23-38, 54, 64, 66). It is obvious that at least one of the first initiating step and the second initiating step can comprise a step of sending transfer information to the ACH network. Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 4**, it is obvious in Rosen's disclosure that both the first account and the second account can be bank accounts (Fig. 35A, Fig. 41; Fig. 44; Col. 33, ll. 61-64; col. 40, ll. 53-67; Col. 42, ll. 39-44). However, Kolling discloses that both the first account and the second account are bank accounts (Col. 9, ll. 23-37). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 5**, Rosen does not explicitly disclose storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts. However, Kolling discloses storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts (Cl. 11, ll. 14-33). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party,

Art Unit: 3628

motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 6**, Rosen does not explicitly disclose the steps of determining types of accounts acceptable to the second party as funds sources; culling the plurality of accounts to present only account types acceptable to the second party; and presenting the culled plurality of accounts to the first party. However, Kolling discloses the steps of determining types of accounts acceptable to the second party as funds sources (Col. 22, ll. 30-33); culling the plurality of accounts to present only account types acceptable to the second party and presenting the culled plurality of accounts to the first party (Col. 22, ll. 35-62. Culling is implicit). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 7**, Rosen does not explicitly disclose wherein a first amount of the first transfer is larger than a second amount of the second transfer. However, Kolling discloses that the first transfer is larger than a second amount of the second transfer through the deduction of a fee from the first transfer prior to the making of the second transfer (Col. 11, ll. 56-59). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 8**, Rosen discloses wherein first account information for the first account is not accessible to the second party (Col. 1, l. 67).

**Re. Claim 9**, Rosen does not explicitly disclose deducting a service fee from a first amount of the first transfer to determine a second amount of the second transfer. However, Kolling discloses deducting a service fee from a first amount of the first transfer to determine a second amount of the second transfer (Col. 11, ll. 56-59). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 10**, Rosen does not explicitly disclose wherein the second-listed initiating step is automatically performed. However, Kolling discloses transferring funds between a first party and a second party wherein the second-listed initiating step is automatically performed (Col. 11, ll. 14-33).

**Re. Claim 11**, Rosen discloses a computer-readable medium having computer-executable instructions for performing the computer-implementable method for transferring funds in the online transaction between the first party and the second party (implicit).

**Re. Claim 12**, Rosen discloses a method for transferring funds in an online transaction between a first party and a second party, the method comprising steps of:

- determining a first account associated with the first party (Fig. 2, Col. 5, ll. 38-43);
- determining a second account associated with the second party (Fig. 35B);
- initiating a first transfer between the first account and a third account, wherein the third account is not associated with either the first party or the second party (Col. 3, l. 66 – Col. 4, l. 3);
- receiving notification that the first transfer has cleared (This is implicit in Rosen).



Art Unit: 3628

Rosen does not explicitly disclose initiating a second transfer between the third account and the second account, wherein: the second-listed initiating step occurs before the receiving step, and wherein the first-listed initiating step comprises a step of sending transfer information to the automated clearinghouse (ACH) network.

However, Kolling discloses initiating a second transfer between the third account and the second account, wherein: the second-listed initiating step occurs before the receiving step, and wherein the first-listed initiating step comprises a step of sending transfer information to the automated clearinghouse (ACH) network (Col. 2, ll. 26-29).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of a plurality of funds transfers in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20; Col. 9, ll. 23-38, 54, 64, 66).

**Re. Claim 13**, Rosen discloses a method for transferring funds in the online transaction between the first party and the second party wherein at least one of the first account and the second account is a bank account (Fig. 35A, Fig. 41; Fig. 44; Col. 33, ll. 61-64; col. 40, ll. 53-67; Col. 42, ll. 39-44).

**Re. Claim 14**, it is obvious in Rosen's disclosure that both the first account and the second account can be bank accounts (Fig. 35A, Fig. 41; Fig. 44; Col. 33, ll. 61-64; col. 40, ll. 53-67; Col. 42, ll. 39-44). However, Kolling discloses that both the first account and the second account are bank accounts (Col. 9, ll. 23-37). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

Art Unit: 3628

**Re. Claim 15**, Rosen discloses a method, wherein the first-listed and second-listed initiating steps occur substantially simultaneously (Col. 23, ll. 62-64).

**Re. Claim 16**, Rosen discloses a method for storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts. However, Kolling discloses storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts (Cl. 11, ll. 14-33). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 17**, Rosen does not explicitly disclose the steps of determining types of accounts acceptable to the second party as funds sources; culling the plurality of accounts to present only account types acceptable to the second party; and presenting the culled plurality of accounts to the first party.

However, Kolling discloses the steps of determining types of accounts acceptable to the second party as funds sources (Col. 22, ll. 30-33); culling the plurality of accounts to present only account types acceptable to the second party and presenting the culled plurality of accounts to the first party (Col. 22, ll. 35-62. Culling is implicit).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 18**, Rosen does not explicitly disclose wherein a first amount of the first transfer is larger than a second amount of the second transfer. However, Kolling discloses that the first transfer is larger than a second amount of the second transfer

through the deduction of a fee from the first transfer prior to the making of the second transfer (Col. 11, ll. 56-59). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 19**, Rosen discloses a computer-readable medium having computer-executable instructions for performing the computer-implementable method for transferring funds in the online transaction between the first party and the second party (implicit).

**Re. Claim 5**, Rosen does not explicitly disclose storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts. However, Kolling discloses storing information on a plurality of accounts associated with the first party; and receiving selection of the first account from the plurality of accounts (Cl. 11, ll. 14-33). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 20**, Rosen discloses a method for transferring funds in an online transaction between a first party and a second party as described in the rejections of claims 1-19 above, including

- determining a second account associated with the second party (Fig. 35B);
- receiving notification that the first transfer has cleared (This is implicit in Rosen).

Rosen does not explicitly disclose:

Art Unit: 3628

- receiving selection of a first account from the plurality of accounts;
- initiating a first transfer between the first account and a third account, wherein the third account is not associated with either the first party or the second party; and
- initiating a second transfer between the third account and the second account, wherein: the second-listed initiating step occurs before the receiving step, at least one of the first-listed initiating step and the second-listed initiating step comprise a step of sending transfer information to the automated clearinghouse (ACH) network, a first amount of the first transfer is larger than a second amount of the second transfer, and the information on the plurality of accounts is not accessible to the second party.

However, Kolling discloses

- receiving selection of a first account from the plurality of accounts (see the second rejection of claim 5b);
- determining a second account associated with the second party;
- initiating a first transfer between the first account and a third account, wherein the third account is not associated with either the first party or the second party (see the rejection of claim 1 (e)); and
- initiating a second transfer between the third account and the second account, wherein: the second-listed initiating step occurs before the receiving step, at least one of the first-listed initiating step and the second-listed initiating step comprise a step of sending transfer information to the automated clearinghouse (ACH) network, a first amount of the first transfer is larger than a second amount of the second transfer, and the information on the plurality of accounts is not accessible to the second party (Col. 2, ll. 26-29; Col. 11, ll. 5-33).

second

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of making a plurality of funds transfers in an online transaction between a first party and a

Art Unit: 3628

second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 21**, Rosen discloses a method of determining types of accounts acceptable to the second party as funds sources;

culling the plurality of accounts to present only account types acceptable by the second party; and

presenting the culled plurality of accounts to the first party.

**Re. Claim 6**, Rosen does not explicitly disclose the steps of determining types of accounts acceptable to the second party as funds sources; culling the plurality of accounts to present only account types acceptable to the second party; and presenting the culled plurality of accounts to the first party.

However, Kolling discloses the steps of determining types of accounts acceptable to the second party as funds sources (Col. 22, ll. 30-33); culling the plurality of accounts to present only account types acceptable to the second party and presenting the culled plurality of accounts to the first party (Col. 22, ll. 35-62. Culling is implicit).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

**Re. Claim 22**, Rosen does not explicitly disclose a method wherein authorization by the first party triggers automatic performance of the two initiating steps and the second-listed receiving step. However, Kolling discloses a method wherein authorization by the first party triggers automatic performance of the two initiating steps and the second-listed receiving step (Col. 11, ll. 5-33. The automatically triggered steps are implicit).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to have combined the disclosures of Rosen with those of Kolling for the purpose of presenting a method of transferring funds in an online transaction

Art Unit: 3628

between a first party and a second party, motivated by a desire to offer a system to pay amounts owed to merchants, service providers and other billers who bill consumers or businesses for amounts owed (Col. 1, ll. 17-20).

### ***Conclusion***

**5. The prior art made of record and not relied upon** is considered pertinent to applicant's disclosure.

Kravitz, David William, US Patent 6,029,150

Kight et al., US Patent 5,873,072

Stein et al., US Patent 6,246,996

Drerup, Bernard C., US Patent 5,740,364

Clark et al., US Patent 5,890,140

Kiling et al., US Patent 5,878,215

Potter et al., US Patent 5,787,402

**6.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks, Washington D.C. 20231*

Art Unit: 3628

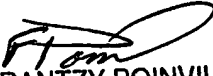
or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

September 30, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*All 3628*